

## **CHARTER**

### **Practicing Physicians Advisory Council**

#### **PURPOSE**

The Secretary of Health and Human Services is mandated by Title XVIII of the Social Security Act, to establish a Practicing Physicians Advisory Council to advise the Secretary on certain proposed changes in regulations and carrier manual instructions related to physician services identified by the Secretary.

#### **AUTHORITY**

42 U.S.C. 1395ee; Section 1868(a) of the Social Security Act.

The Council is governed by the provision of Public Law 92-463 (5 U.S. Code Appendix 2), which sets forth standards for the formation and use of advisory committees.

#### **FUNCTION**

The Practicing Physician Advisory Council shall advise the Secretary, Department of Health and Human Services, and the Administrator of the Health Care Financing Administration (HCFA) concerning certain proposed changes in Medicare regulations and carrier manual instructions, or Medicaid regulations related to physician services identified by the Secretary. To the extent feasible and consistent with statutory deadlines, such consultation shall occur before the publication of proposed changes.

#### **STRUCTURE**

The Secretary shall appoint, based upon nominations submitted by medical organizations representing physicians, 15 physicians, including the Chair, each of whom has submitted at least 250 claims for physicians services under Title XVIII or XIX of the Social Security Act in the previous year.

At least 11 of the members of the Council shall be physicians described in Section 1861(r)(1) of the Social Security Act. Members of the Council shall include both participating and

nonparticipating physicians, and physicians practicing in rural and underserved urban areas. The remaining members may include dentists, podiatrists, optometrists and chiropractors.

Members shall be invited to serve for overlapping 4-year terms; terms of more than 2 years are contingent upon the recharter of the Council by appropriate action prior to its termination. A vacancy on the Council shall be filled in the same manner in which the original appointment was made. Members may serve after the expiration of their term until a successor has taken office. Management and support services shall be provided by the Office of the Administrator, Health Care Financing Administration.

### **MEETINGS**

The Council shall meet once during each calendar quarter, with the advance approval of a senior Government official, who shall also approve the agenda. A senior Government official shall be present at all meetings.

Meetings shall be open to the public except as determined otherwise by the Secretary; notice of all meetings shall be given to the public.

Meetings shall be conducted, and records of the proceedings kept, as required, by applicable laws and Department regulations.

### **COMPENSATION**

Members of the Council shall be entitled to receive reimbursement of expenses and per diem in lieu of subsistence in the same manner as other members of advisory councils appointed by the Secretary are provided such reimbursement and per diem under Title XVIII.

### **ANNUAL COST ESTIMATE**

Estimated annual cost for operation of the Council, including travel and per diem for members but excluding staff support, is \$57,350. The estimated annual person-years of staff support required is .30 at an estimated annual cost of \$65,379.

**REPORTS**

An annual report shall be submitted to the Secretary and the Administrator of HCFA not later than December 31, of each year, which shall contain as a minimum, a list of members and their business addresses, the council's functions, dates and places of meetings, and a summary of Council activities and recommendations made during the fiscal year. A copy of the report shall be provided to the Department Committee Management Officer.

**TERMINATION DATE**

Continuing. The Charter for the Practicing Physicians Advisory Council shall expire on June 12, 2003.

**APPROVED:**

June 12, 2001  
DATE

Secretary